

**SBDE NO. 2016-00950**

**IN THE MATTER OF  
THE LICENSE OF**

**TONI CARR, DDS**

**TEXAS DENTAL LICENSE  
NUMBER 19926**

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**BEFORE THE STATE**

**BOARD OF**

**DENTAL EXAMINERS**

**AGREED SETTLEMENT ORDER**

On the 30<sup>th</sup> day of November, 2018, the State Board of Dental Examiners (Board) met in a regularly scheduled meeting and the above-styled case was heard.

Toni Carr, DDS, holder of Texas Dental License No. 19926 (Respondent), appeared at an informal settlement conference on February 9, 2018, at 333 Guadalupe Street, Austin, Texas. Respondent was not represented by counsel. At issue were allegations that Respondent violated the laws and rules regulating the practice of dentistry.

Respondent hereby waives a formal adjudicatory hearing and enters into the following Agreed Settlement Order (ASO). Respondent, by signature below, acknowledges that Respondent was advised of the right to legal representation, and that Respondent understands the nature of the alleged violations. Respondent's signature hereon also acknowledges that an adequate opportunity was provided to allow Respondent to respond to the alleged violations.

Board members David Yu, DDS, and Kimberly Haynes, DMD, represented the Board at the settlement conference held pursuant to Texas Occupations Code § 263.0075, and 22 Texas Administrative Code § 107.63. The Board representatives considered information presented by staff, the Respondent, and the Complainant, as applicable. The Board representatives, having carefully considered the Board's disciplinary guidelines, recommend the following ASO contingent on the full Board's approval.

**FINDINGS OF FACT**

1. Respondent, Toni Carr, DDS, holds Texas Dental License No. 19926. Respondent's license was initially issued on September 17, 1999, and was in full force and effect at all dates and times material and relevant to this ASO.
2. Respondent holds the following sedation/anesthesia permits issued by the Board:

- a. Nitrous Certification issued on March 22, 2002;
3. Respondent's past disciplinary history, as described in the Order dated May 9, 2014, is incorporated by reference as part of this ASO.
4. During the time period from May 29, 2014, to July 17, 2015, Respondent fell below the standard of care in diagnosing the need for restorative dentistry for patient 1. Specifically, Respondent planned restorations on teeth numbers 4, 5, and 19 and performed restorations on teeth numbers 12 and 13 without radiographic justification.
5. During the time period from May 29, 2014, to July 17, 2015, Respondent failed to make, maintain, and keep adequate dental records of the treatment of patient 1. Specifically, Respondent failed to record any diagnoses that would justify the treatments provided to patient 1, or an explanation for why diagnoses were not recorded.

#### **CONCLUSIONS OF LAW**

The references to Statutes and Rules cited below are to the Statutes and Rules in effect at the time of the violations.

1. The Board has authority and jurisdiction over this case pursuant to Tex. Occ. Code §§ 251-267 and 22 Tex. Admin. Code §§ 100-125.
2. Respondent's conduct constitutes a violation of Tex. Occ. Code § 263.002(a)(4), (10); and 22 Tex. Admin. Code §§ 108.7(1), (2), 108.8(c)(3), (12).

#### **ORDER**

IT IS THEREFORE AGREED and ORDERED THAT:

1. Respondent's Texas Dental License No. 19926, issued to Toni Carr, DDS, is hereby issued the sanction of REPRIMAND.
2. Respondent SHALL reimburse the patient two hundred thirty dollars (\$230.00) for all expenses billed by Respondent for treatment of teeth numbers 12 and 13.

Proof of restitution SHALL be provided to the Board no later than thirty (30) days from the effective date of this ASO.

3. Respondent SHALL pay an administrative monetary fine in the amount of five thousand dollars (\$5,000.00) payable to the "Texas State Board of Dental Examiners" located at 333 Guadalupe Street, Tower 3, Suite 800,

Austin, Texas 78701-3942. The administrative monetary fine SHALL be paid in full no later than six (6) months from the effective date of this ASO.

4. Respondent SHALL complete a total of twenty-one (21) hours of continuing education (CE) courses, which SHALL be completed within six (6) months of the effective date of this ASO. The twenty-one (21) hours of CE courses completed SHALL be in the following areas:

Risk Management and Record-Keeping	Three (3) hours
Diagnosis and treatment planning	Twelve (12) hours
Restorations	Six (6) hours

This CE SHALL be in addition to Respondent's annual CE hours required for licensure by the Board.

All CE courses SHALL be approved in advance by Board Staff. It is the responsibility of Respondent to obtain such approval. Courses taken without prior approval and/or prior to the effective date of this ASO SHALL NOT satisfy the requirements of this ASO. Board Staff SHALL have the authority to reduce the number of CE days or hours based on course availability. Upon the successful completion of each course, Respondent SHALL provide complete documentation of the course completion to the Board.

5. Respondent SHALL successfully complete the Jurisprudence Assessment-Board Order and submit proof of completion to Board Staff within thirty (30) days of the effective date of this ASO. Respondent may not take the Jurisprudence Assessment-Board Order prior to the effective date of this ASO. Respondent SHALL be responsible for all costs relating to compliance with this requirement.
6. Respondent SHALL abide by the Laws of the State of Texas, the Dental Practice Act, the rules and regulations of the Board, and any reporting requirements imposed to ensure compliance with this ASO.

**Signature page follows.**

By signing this ASO, Respondent agrees to its terms, acknowledges understanding it, and agrees to satisfactorily comply with the mandates of this ASO in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent's signature hereon does not constitute either admission or denial of the allegations set forth in this ASO or the underlying complaint, and it does not constitute admission or denial of the findings of fact and the conclusions of law set forth.

Respondent, by signing this ASO, waives any right to a formal hearing and any right to judicial review of this ASO. Failure to comply with the terms and conditions of this ASO SHALL constitute a violation of this ASO and may subject Respondent to further disciplinary action by the Board.

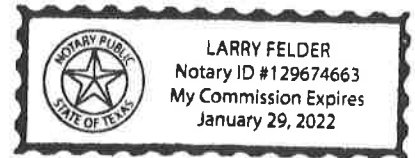
All of the above terms, conditions, and penalties become effective on the effective date of this ASO. The effective date of this ASO SHALL be the date it is executed by the Board.

THIS ASO IS A PUBLIC RECORD THAT WILL BECOME A PERMANENT PART OF RESPONDENT'S TEXAS DENTAL LICENSE DISCIPLINARY HISTORY.

  
Toni Carr, DDS, Respondent

Larry Felder Public Notary notarized the signature of Toni Carr, DDS, this 7 day of April, 2018.

  
NOTARY PUBLIC IN and FOR THE STATE OF TEXAS



STATE BOARD OF DENTAL EXAMINERS  
SIGNED this 30<sup>th</sup> day of November, 2018.

  
David Tillman, DDS, Presiding Officer

  
Jorge Quirch, DDS, Board Secretary